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Attorney for Nominal Defendant

INTERSANGO, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DONALD NORMAN, in the Right of and for
the Benefit of Intersango, LLC,

Plaintiff,

v.

PATRICK STRATEMAN, AMIR TAAKI,
JAMIE STRATEMAN,

Defendants,

and

INTERSANGO LIMITED LIABILITY
CORPORATION and INTERSANGO, LLC

Nominal Defendants.

Case No.: 4:16-cv-03587-YGR

Action Filed: June 25, 2016

**NOMINAL DEFENDANT INTERSANGO,
LLC'S REPLY TO PLAINTIFF'S
OPPOSITION TO INTERSANGO, LLC'S
MOTION TO DISMISS, WHICH WAS
FILED IN VIOLATION OF THIS
COURT'S ORDER DATED 11/26/2016
(DOCKET # 42)**

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Nominal Defendant Intersango, LLC (“Intersango”) submits the foregoing Reply to Plaintiff’s Opposition to Intersango’s Motion to Dismiss:

A. Plaintiff’s Opposition is barred by the Court’s Local Rules and Order to Show Cause.

As explained in Intersango’s Statement Re: Plaintiff’s Failure to Oppose Intersango’s Motion to Dismiss (Docket #46), Plaintiff’s eleventh hour opposition is a violation of not only this Court’s Local Rules but the Court’s November 21, 2016 Order to Show Cause (“OSC”) (Docket #42). Even after missing the deadline to oppose Intersango’s motion, the Court gave Plaintiff another opportunity to oppose, but Plaintiff again failed to submit an opposition. Based on Plaintiff’s failure to follow this Court’s rules *and* this Court’s OSC, Intersango respectfully requests the Court to reject and disregard Plaintiff’s purported opposition (Docket #49) and enter a judgment of dismissal as to Intersango, with prejudice.

B. The Opposition offers no substantive arguments explaining: (1) how Plaintiff has alleged a federal claim; and (2) why the Court should not dismiss Intersango with prejudice.

More than a month after the original due date for Plaintiff’s Opposition (November 8, 2016), Plaintiff still offers no substantive opposition to the arguments in Intersango’s Motion to Dismiss. Plaintiff fails to explain how there could have been a violation of Regulation D, Rule 502 when there are no allegations in the First Amended Complaint establishing any sale of securities in excess of \$1 million.

Plaintiff again presents no substantive argument explaining why the Court should exercise “supplemental jurisdiction” when there is no federal claim. And, Plaintiff has stated no reason why the Court should not dismiss Intersango with prejudice, for failure follow Court rules (*see* Docket #46). For these reasons, Intersango respectfully requests the Court to grant its motion to dismiss and dismiss Intersango with prejudice.

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C. Conclusion

Plaintiff's opportunities to oppose Intersango's motion to dismiss have long passed. Plaintiff's December 14, 2016 filing is untimely, unauthorized per the Court's prior Order, unsubstantive, and unexcused, leaving Intersango's motion unopposed. Intersango thus respectfully requests the Court to grant its Motion to Dismiss and dismiss the First Amended Complaint with prejudice.

DATED: December 16, 2016

KAUFMAN DOLOWICH & VOLUCK, LLP

By: /s/ Louis H. Castoria

Louis H. Castoria

Marcus Dong

Attorneys for Nominal Defendant

INTERSANGO, LLC

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